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is accomplished when the bribe money is delivered, if not before. See *Sulston v. Norton*, 3 Burr. 1235, 1237. The court's contention that, as the state's attorney was not bribed, the defendant could not have bribed him, is a play on words. Bribe-giving and bribe-taking are separate and independent crimes, though called by the same name. See *State v. Dudoussat*, 47 La. Ann. 977, 997, 17 So. 685, 687. That the state's attorney participated in the crime for purposes of detection is of course no defense. *People v. Mills*, 178 N. Y. 274, 70 N. E. 736; *Minter v. State*, 159 S. W. 286 (Tex.). Had he instigated the crime, some jurisdictions would have excused the wrongdoer. *O'Brien v. State*, 6 Tex. App. 665. *Contra*, *Grimm v. United States*, 156 U. S. 604. See 18 HARV. L. REV. 65. But mere participation is a defense only where it negatives an essential element of the crime. *Rex v. Martin*, R. & R. 196.

CRIMINAL LAW — SENTENCE — EFFECT OF COMMUTATION. — A convict had served over twenty years of a life term when the state board of pardons commuted the sentence to imprisonment for thirty years. Had this been the sentence at the outset, the convict would already have been entitled to release by reason of good behaviour. *Held*, that the convict must be discharged. *State ex rel. Murphy v. Wolfer*, 148 N. W. 896 (Minn.).

The court proceeded upon the theory that commutation substitutes one sentence for another. See *Lee v. Murphy*, 22 Gratt. (Va.) 789, 799; *Johnson v. State*, 63 So. 163 (Ala.). Accordingly, it reasoned that after commutation the status of the prisoner was necessarily the same as though the original term had been but thirty years, and so held him entitled to deductions for prior good behavior, under the statute granting this allowance to all but life convicts. MINN. GEN. STAT., 1913, § 9309. With due respect, however, it is submitted that no rigid legal rule requires that commutation invariably operate as if the lesser sentence had been first imposed. On the contrary, the intent of the pardoning power should be controlling. Thus it has been held that commutation to "nine years actual time" precluded any deduction for good behavior. See *In re Hall*, 34 Neb. 206, 51 N. W. 750. Moreover, the circumstance that if prior good time were allowed, the prisoner could claim his discharge twenty-three days after commutation, has been taken to indicate that previous good behavior was not to be considered. *In re McMahon*, 125 N. C. 38, 34 S. E. 193. This authority the principal case seeks to distinguish on the purely formal ground that the Minnesota statute states expressly that "good time" should begin on arrival in prison. But it would seem that in the present case there was all the more reason for excluding allowances for prior good behavior from the "thirty years" when the opposite construction made discharge in fact overdue at the time of commutation. A result like that of the principal case should be attained where, and only where, the commuting authority intends a complete substitution of the new sentence with its concomitant legal consequences.

DEAD BODIES — NEGLIGENT MUTILATION — RIGHT OF RECOVERY FOR MENTAL ANGUISH BY RELATIVE OTHER THAN NEXT OF KIN. — The mother of a boy killed on the defendant railroad sued the company for mental anguish caused by the negligent mutilation of the dead body. The father, who was living, was by statute the next of kin. *Held*, that the mother cannot recover. *Floyd v. Atlantic Coast Line Ry. Co.*, 83 S. E. 12 (N. C.).

In England the law recognizes no property right in a corpse. *Williams v. Williams*, 20 Ch. D. 659. In this country a dead body is not property in the absolute sense of the word. But the great weight of authority holds that a legal "quasi-property" right to the possession of the dead body for the purpose of burial vests first in the surviving wife or husband, and then in the next of kin. Any wilful or wanton mutilation of the body will be a violation